



UNITED STATES PATENT AND TRADEMARK OFFICE

H.A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/645,873

08/21/2003

Aaron Golle

1748.001US1

8656

21186

7590

08/09/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. BOX 2938

MINNEAPOLIS, MN 55402

EXAMINER

HAN, JASON

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,873	Applicant(s) GOLLE ET AL.	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20060530</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claims 1-7 have been considered but are moot in view of Applicant's amendment and the new ground(s) of rejection.
2. Applicant's arguments, see Page 6, filed May 30, 2006, with respect to Claims 8-11 and the prior art's deficiency in teaching an "oversized load" have been fully considered and are persuasive. The rejection of claims has been withdrawn.

Information Disclosure Statement

3. The prior art of Ghosh (U.S. Patent 6,771,508) was not considered due to lack of relevance to the current invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa (U.S. Patent 5,518,561) in view of Flatin et al. (U.S. Patent 5,426,414).

Rosa discloses a method including:

- A safety sign [Figures 1-2: (10)]; Column 2, Lines 59-63; Claims 1-7] including an EL lighting surface formed into a chosen pattern [Figure 3; Column 5, Lines 38-42];

Art Unit: 2875

- One or more vehicles [Figure 1: (14)] on which the safety sign is attached;
and
- Driving the vehicle(s) in a formation on the road [inherent] wherein the safety sign(s) are visible to provide guidance for the vehicle(s) [Abstract; Column 5, Lines 32-38].

Rosa does not specifically teach driving at least two vehicles in a formation on the road, wherein the safety signs are visible to provide guidance for the vehicles.

Flatin teaches, "Various long length commercial vehicles, such as tractor-trailer combinations, buses, trucks, recreational vehicles, and the like, present potentially hazardous situations to persons following behind these vehicles... It is therefore a general object of the present invention to provide an improved auxiliary signal device for the rear of commercial vehicles to warn following traffic of various potential hazards. Another object of the present invention is to provide an auxiliary signal device which will alert following traffic of the specific action being taken by the commercial vehicle" [Column 1, Lines 11-14, 49-56].

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate the signal devices/safety signs of Rosa onto at least two vehicles in formation so as to provide visible guidance, as principally taught by Flatin, in order to warn various drivers and promote road safety. It is also obvious to one ordinarily skilled in the art that one would incorporate EL lighting devices, such as Rosa, onto at least two vehicles in a formation on a road, such as snowplows or commercial trucks following one another.

Art Unit: 2875

5. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa (U.S. Patent 5,518,561) in view of Flatin et al. (U.S. Patent 5,426,414).

6. With regards to Claim 2, Rosa discloses a method including:

- Forming a safety sign [Column 2, Lines 59-63; Claims 1-7], including:
 - = Selecting a pattern to convey a visual safety message [Figure 2: (18); Claim 1(a); 1(b)];
 - = Attaching the pattern to an EL lighting surface [Figure 2: (16); Claim 1(c); 1(d)];
- Attaching the safety sign to vehicles [Figure 1: (14)]; and
- Driving the vehicle(s) in a formation on a road [Figure 1: (14) – inherent] wherein the safety sign(s) is visible to provide guidance for the vehicles [Abstract; Column 5, Line 33-38].

Rosa does not specifically teach driving at least two of the vehicles in a formation on the road, wherein the safety signs are visible to provide guidance for the vehicles.

Flatin teaches, "Various long length commercial vehicles, such as tractor-trailer combinations, buses, trucks, recreational vehicles, and the like, present potentially hazardous situations to persons following behind these vehicles... It is therefore a general object of the present invention to provide an improved auxiliary signal device for the rear of commercial vehicles to warn following traffic of various potential hazards. Another object of the present invention is to provide an auxiliary signal device which will alert following traffic of the specific action being taken by the commercial vehicle" [Column 1, Lines 11-14, 49-56].

Art Unit: 2875

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate the signal devices/safety signs of Rosa onto at least two vehicles in formation so as to provide visible guidance, as principally taught by Flatin, in order to warn various drivers and promote road safety. It is also obvious to one ordinarily skilled in the art that one would incorporate EL lighting devices, such as Rosa, onto at least two vehicles in a formation on a road, such as snowplows or commercial trucks following one another.

7. With regards to Claim 4, Rosa in view of Flatin discloses the claimed invention as cited above. In addition, Rosa discloses selecting a pattern to convey a visual safety message [Claim 1] including selecting a text message [Figures 1-2: (10)].

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa (U.S. Patent 5,518,561) in view of Flatin et al. (U.S. Patent 5,426,414) as applied to Claim 2 above, and further in view of Fuller (U.S. Patent 2,983,914).

Rosa in view of Flatin discloses the claimed invention as cited above, but does not specifically teach the vehicle being a snowplow.

Fuller teaches using a warning light onto a snowplow [Column 1, Lines 21-24].

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate the safety sign of Rosa in view of Flatin onto a snowplow, as principally taught by Fuller, in order to ensure safety and warn proximate drivers of the snowplow. Such a configuration is an obvious engineering decision whereby one would want to utilize such warning/safety signs on large vehicles, which was corroborated by Flatin (note above).

Art Unit: 2875

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa (U.S. Patent 5,518,561) in view of Flatin et al. (U.S. Patent 5,426,414) as applied to Claim 2 above, and further in view of Chien (U.S. Patent 5,775,016).

Rosa in view of Flatin discloses the claimed invention as cited above, but does not specifically teach the EL lighting surface having a yellow color when illuminated.

Chien teaches electroluminescent super thin lighting elements [Column 2, Lines 40-49], wherein, "a wide variety of color choices, including green, blue, pink, yellow, and white, which allows superthin lighting elements to be used for a variety of different guiding purposes and increases attractiveness while avoiding conflict or confusion with other warning signs [Column 2, Lines 62-67]."

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the safety sign of Rosa in view of Flatin to incorporate the yellow electroluminescent element of Chien in order to provide a variety of different guiding purposes and increased attractiveness, as corroborated by Chien.

10. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa (U.S. Patent 5,518,561) in view of Flatin et al. (U.S. Patent 5,426,414) as applied to Claim 2 above, and further in view of applicant's admitted prior art (AAPA).

Rosa in view of Flatin discloses the claimed invention as cited above, but does not specifically teach the EL light surface dimensioned to comply with safety sign regulations (re: Claim 6), nor approximate rectangular dimensions of 72 inches wide and 8.5 inches tall (re: Claim 7).

Art Unit: 2875

AAPA teaches, "In one embodiment the shape of the safety sign 600 is dictated by a government standard [Page 6, Lines 30-31]."

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the safety sign of Rosa in view of Flatin to incorporate the dimensions/shape of AAPA in order to comply with government standards.

In addition, it would have been an obvious matter of engineering design to have made the illuminated vehicle sign with rectangular dimensions of 72 inches wide by 8.5 inches tall, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

11. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa (U.S. Patent 5,518,561) in view of Werner (U.S. Patent 6,195,925).

12. With regards to Claim 8, Rosa discloses a method including:

- Forming one or more safety signs [Column 2, Lines 59-63; Claims 1-7], wherein each safety message includes:
 - = Selecting a pattern to convey a visual safety message [Claim 1(a); 1(b)];
 - = Attaching the pattern to an EL lighting surface [Claim 1(c); 1(d)];
- Attaching the safety sign to a transportation vehicle carrying a load [Figure 1: (14)]; and
- Driving the vehicle on a road [Figure 1: (14) – inherent] wherein the safety sign is visible to provide warning of the load [Column 5, Line 33-38].

Rosa does not specifically teach the transportation vehicle carrying an oversized load.

Werner teaches a transportation vehicle carrying an oversized load and implementing a safety sign for warning purposes [Figure 1], and discloses, "The movement of large loads by highway trucks happens every day on roads all across the country. Such loads may take the form of large pieces of construction equipment being moved between construction sites. They may be large sections of pre-fabricated homes or concrete bridges. They may be large yachts or even utility company poles. In short, the kinds and types of items moved in this fashion is almost limitless. Indeed, the only real limitation is the size of the object being moved. Due to this size factor, it is necessary to take special precautions when moving such large objects such as properly fastening the load to the trailer bed. And special attention on the part of the driver of the truck must be taken at all times" [Column 1, Lines 16-28].

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate the signal devices/safety signs of Rosa onto a transportation vehicle carrying an oversized load, as principally taught by Werner, in order to warn various drivers and promote road safety.

13. With regards to Claim 9, Rosa in view of Werner discloses the claimed invention as cited above. In addition, Werner teaches the safety sign being attached to the front of the transportation vehicle [Figure 1].

Art Unit: 2875

14. With regards to Claim 10, Rosa in view of Werner discloses the claimed invention as cited above. In addition, Rosa discloses the safety sign being attached to the rear of the transportation vehicle [Column 5, Lines 25-28].

15. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa (U.S. Patent 5,518,561) in view of Werner (U.S. Patent 6,195,925) as applied to Claim 8 above, and further in view of Fernandez (U.S. Patent 5,434,013).

Rosa in view of Werner discloses the claimed invention as cited above, but does not specifically teach the safety sign attached to at least one mudguard.

Fernandez discloses, "Referring to FIGS. 1-7, an illuminated trim apparatus 10 for automobiles is disclosed. Trim apparatus 10 takes the form of automobile floor mats, splash guards, wheel trim, door guards, trunk and door lock trim, outer and inner body trim, sun shades, accent trim for the dash or radio, hood logo and emblem trim, license plate frames, speaker covers and side molding such as ground effects and door panel decorative strips [Column 3, Lines 61-68]. Apparatus 10 includes safe, low voltage lighting strips 12, known as electroluminescent lighting or "EL", to supplement or replace existing breakable and fire hazardous fixtures [Column 4, Lines 3-6; underlines and highlights added by examiner]."

It would have been obvious to one ordinarily skilled in the art at the time of invention to have incorporated the safety sign of Rosa in view of Werner onto a mudguard/splash guard, as taught by Fernandez, so as to ensure appropriate warning to proximate drivers. Such signs/warnings are commonly known and seen on larger vehicles (i.e. trucks or trailers).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M Han
Examiner
Art Unit 2875

JMH (8/7/2006)


ALI ALAVI
PRIMARY EXAMINER